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Name of Applicant, Assignee or
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Signature

April 7, 2003

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Our Case No.: 8465/20
P200101243 US1 TSU/MLR

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Mogensen et al.

Serial No.: 09/995,237

Filing Date: November 26, 2001

For: INJECTOR DEVICE FOR
PLACING A SUBCUTANEOUS
INFUSION SET

Examiner: Chris L. Rodriguez

Group Art Unit No.: 3763

RESPONSE TO RESTRICTION/ELECTION REQUIREMENT

Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In response to the Restriction/Election Requirement in the Action mailed March 7, 2003, Applicant provisionally elects species b, as exemplified by the Examiner as figures 6-12, and claims 1-16, 18-28 and 30 with traverse.

Applicant traverses the restriction requirements and respectfully requests the Examiner to withdraw the restriction requirements from the application, and to allow the application to proceed to examination of all the figures and the claims. Applicant

reserves the right to file a continuing application to pursue non-elected inventions, and to add dependent claims after the allowance of the elected claims.

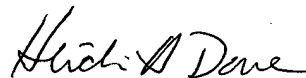
Applicant traverses the 3-way species restriction both on the basis of the Examiner's apparent misunderstanding of the figures and based on the presence of generic claims. With respect to the misunderstanding of the drawings, figures 1-5, 6-12 and 13-16 all relate to an injector device for placing a subcutaneous infusion set. For example, the specification describes figs. 6-12 as an alternative embodiment of the invention wherein components corresponding in function to those described with respect to figs. 1-5 are identified by common reference numerals increased by 100. (See p.10, lines 4-7.) Also, figs. 13-16 show a third embodiment of the invention wherein components corresponding in function to those described previously with respect to figs. 1-5 are identified by common reference numerals increased by 200. (See p. 12, lines 32-35.)

Each of the figs. 1-5, 6-12 and 13-16 illustrate an injector device (10, 110, 210) for transcutaneously placing a hollow cannula (26, 126, 226) of a subcutaneous infusion set (14, 114, 214) through the skin of a patient.

With respect to the presence of a generic claim, Applicant would submit that independent claims 1, 18 and 25 are generic to at least the embodiments of Figures 1-16. Applicant has provisionally elected the claims above (1-16, 18-28 and 30) that read at least on all of the figs. 6-12.

Reconsideration is respectfully solicited.

Respectfully submitted,



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